

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
September 25, 2012  
City Council Chambers – Rouss City Hall**

**PRESENT:** President Jeff Buettner; Councilor Evan Clark, John Tagnesi and Les Veach; Vice-Mayor Milt McInturff; Vice-President John Willingham (6)  
**ABSENT:** Councilor John Hill and Ben Weber; Mayor Elizabeth Minor (3)

President Buettner called the meeting to order at 6:01 p.m.

**Items for Discussion:**

**EXECUTIVE SESSION:** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(29) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT MATTER OF THE AWARD OF A PUBLIC CONTRACT INVOLVING THE EXPENDITURE OF PUBLIC FUNDS AND DISCUSSION OF THE TERMS OR SCOPE OF SUCH CONTRACT, WHERE DISCUSSION IN AN OPEN SESSION WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY

Councilor Les Veach moved to convene into executive session at 6:01 p.m. *The motion was seconded by Councilor Tagnesi then approved 6/o.*

***Councilor Weber arrived at 6:03 p.m.  
Councilor Hill arrived at 6:10 p.m.***

Vice-Mayor McInturff moved to reconvene in open session at 6:33 p.m. The motion was seconded by Councilor Weber then approved 8/o.

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
President Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Absent
Councilor Tagnesi	Aye

Councilor Veach	Aye
Councilor Weber	Aye
Vice-President Willingham	Aye

**R-2012-70:** Resolution – Authorization to execute DMV Grant

Police Chief Kevin Sanzenbacher presented the annual DMV grant for funding to be used for road blocks, sobriety checks, and the purchase of two radar detectors.

Vice-Mayor McInturff moved to forward R-2012-70 to Council. *The motion was seconded by Councilor Clark then approved 8/o.*

**O-2012-31:** AN ORDINANCE TO AMEND THE WINCHESTER CITY CODE PERTAINING TO REAL ESTATE EXEMPTION BY CLASSIFICATION AND DESIGNATION

City Manager Dale Iman presented the ordinance amendment to provide changes in the real estate tax exemptions by classification and designation. He stated the designation exemptions are fairly outlined by code. However, the city would like to have them all submitted by November 1 of each year to be reviewed and considered in the budget cycle. The classification exemptions in code are quite foggy. The city would like to strictly follow the constitution of the Commonwealth of Virginia as opposed to some of the ambiguous language that is included to help tighten up the entire system.

[7:14:22 PM](#)

Vice-President Willingham moved to forward O-2012-31 to Council. *The motion was seconded by Vice-Mayor McInturff then approved 8/o.*

**O-2012-30:** AN ORDINANCE TO AMEND AND RE-ADOPT CHAPTER 25, ARTICLE II, DIVISION 2 OF THE WINCHESTER CITY CODE PERTAINING TO THE OLD TOWN DEVELOPMENT BOARD

Interim Old Town Manager Will Moore presented the ordinance to remove the city manager from the board replacing the position with an at-large citizen and to change the Shenandoah University representative to a regular appointment. He stated the second portion of the ordinance clarifies some subjective language particularly to the management and control of the special assessment funds. He will be bringing back some procedural changes in the next couple of months in regards to cafes and outside eating. Those changes will be taken to the OTDB before bringing them to Council.

Vice-President Willingham expressed his concern over the language “properly audited” in Section 25-22 and asked if it will be included in the annual audit cycle or if it would be a separate audit. Mr. Moore stated that was part of the existing language. The real change is that the board would be submitting a report to Council. It is not to have a separate audit.

City Attorney Anthony Williams stated it is the old language but he agreed the language “properly audited” should be stricken so it does not impose additional requirements.

Vice-President Willingham moved to forward O-2012-30 to Council as amended. *The motion was seconded by Councilor Hill then approved 7/1 with Councilor Weber voting in the negative.*

**R-2012-73:** Resolution – Adoption of the Downtown Strategic Plan

Mr. Moore presented a summary of the Downtown Strategic Plan previously seen on June 19, 2012. He stated staff has worked on the plan since then and are asking for adoption by resolution of this final draft. The changes include eliminating all items that could not be completed in 12-18 months, relating all tasks to a specific goal, removing Washington Square Park as additional green space due to loss of support, removing a downtown trolley route, and removing the arts district.

Vice-President Willingham moved to forward R-2012-73 with amendments to the plan to include an arts district and a trolley route. *The motion was seconded by Councilor Veach.*

Councilor Weber asked if Vice-President Willingham would consider adding the Washington Square Park to the amendments. Vice-President Willingham stated not with these amendments.

*The motion was approved 8/0.*

Councilor Weber stated he would like to see the Washington Square Park kept in the plan. There is a desire and a lot of businesses that want the park. He stated he would go with future park space if not the Washington Square Park.

Councilor Weber moved to make an amendment to expand the green space and add future green space/parks in the Old Town area or leave it at the Joint Judicial Center. The motion was seconded by Councilor Clark. *The motion was defeated 2/6 with President Jeff Buettner, Vice-President Willingham, Vice-Mayor McInturff, and Councilors Hill, Tagnesi and Veach voting in the negative.*

*The amended resolution was approved to be sent forward 7/1 with Councilor Weber voting in the negative.*

**CU-12-404:** Conditional Use Permit – Request of Greenway Engineering for a Conditional Use Permit for multifamily dwelling at 443 Millwood Avenue (Map Number 233--08--40A) zoned Highway Commercial (B-2) District.

Planning Director Tim Youmans distributed an alternative motion for Council's consideration. He stated the request is for a Conditional Use Permit for multi-use dwellings at the Goodwill building. The proposal is to take the elevated parking ramp and parking spots and convert them into 5 units. Some two story units already exist as offices. There will be no changes to the view from the Greystone Terrace properties. Since the Planning Commission meeting, staff has been contacted by Gifford Hampshire regarding the language in condition #1. Therefore, you have an alternate motion in front of you tonight.

Vice-President Willingham moved to forward CU-12-404 to Council with the amended condition #1. *The motion was seconded by Councilor Veach then approved 7/1 with President Buettner voting in the negative.*

**R-2012-76:** Resolution – Approval of contract for Special Event Promoter and authorization for the City Manager to sign all necessary documents

Finance Director Mary Blowe stated the Special Event contract has been reworked according to the concerns Council expressed at the last meeting including the term of the contract to a 3 year with an option to renew for two one-year periods, retaining ownership of the tangible and intellectual property rights, and less risk to the City by bundling the events together.

Vice-President Willingham moved to forward R-2012-76 to Council. *The motion was seconded by Councilor Veach then approved 8/0.*

**R-2012-74:** Resolution – Approval of application to VDOT for Revenue Sharing Funds – FY 2013-14

Utilities Director Perry Eisenach presented the proposal to apply for the FY14 VDOT Revenue Sharing Funds. He stated the program has changed this year to include maintenance projects such as paving. The application can be submitted for up to \$10 million and is due November 1<sup>st</sup>. Mr. Eisenach presented 4 specific projects from the CIP and 2 sidewalk and paving projects. He stated the specific projects are the Meadow Branch extension, Hope Drive extension, Nester Drive construction, and Valley Avenue Drainage Improvements at Whitlock. If approved, the City will need to start spending the funds by July 2013 and complete in 4 years. The projects can be staggered and the funds can transfer from one project to another.

Vice-President Willingham moved to forward R-2012-74 to Council. *The motion was seconded by Councilor Weber then approved 7/0/1 with Vice-Mayor McInturff abstaining due to the Valley Avenue Drainage Improvements.*

**R-2012-75:** Resolution – Approval and authorization to execute contract with Lantz Construction for the demolition and stabilization of 119-129 North Loudoun Street (Taylor Hotel)

Economic Redevelopment Director Jim Deskins presented the resolution to authorize the execution of a contract with Lantz Construction.

Councilor Weber moved to approve R-2012-75 to Council. *The motion was seconded by Vice-Mayor McInturff then approved 7/0/1 with Vice-President Willingham abstaining.*

## **Report of Liaisons**

Vice-President Willingham moved to forward the nominations of Randy Moulton and Les Veach to the Frederick-Winchester Service Authority, William Pifer to the Board of Equalization of Real Estate Assessments, J.P. Carr and Suzanne Conrad to the Economic

Development Authority, Judy Lloyd, Lisa McCoig, and Eugene Schultz to the Handley Library Board, Larry Omps to the Juvenile Detention Commission, and Richard Ridgell to the Lord Fairfax EMS Council. *The motion was seconded by Vice-Mayor McInturff then approved 8/o.*

President Buettner removed Vice-President Willingham as the liaison to the OTDB and appointed Councilor Weber to the position.

## **Monthly Reports**

## **Adjourn**

Vice-President Willingham moved to adjourn the meeting at 7:57 p.m. *The motion was seconded by Councilor Weber then approved 8/o.*